

Senate File 451

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1 1 SENATE FILE 451
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1 3 AN ACT
1 4 PROVIDING FOR THE JURISDICTION AND FUNDING OF ROADS BY
1 5 TRANSFERRING FUNDING FOR AND JURISDICTION OF CERTAIN
1 6 PRIMARY AND FARM-TO-MARKET ROADS, MODIFYING THE PROCEDURE
1 7 FOR CLASSIFICATION OF AREA SERVICE "C" ROADS, AND
1 8 ESTABLISHING A STREET CONSTRUCTION FUND DISTRIBUTION
1 9 ADVISORY COMMITTEE, AND MAKING APPROPRIATIONS.
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1 11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 12
1 13 Section 1. Section 306.3, subsection 5, Code 2003, is
1 14 amended to read as follows:
1 15 5. "Municipal street system" means those streets within
1 16 municipalities that are not primary roads or secondary roads.
1 17 Sec. 2. Section 306.4, Code 2003, is amended by adding the
1 18 following new subsection:
1 19 NEW SUBSECTION. 2A. a. Effective July 1, 2004,
1 20 jurisdiction and control over a farm-to-market extension or
1 21 road transferred pursuant to section 306.8A within a city with
1 22 a population of less than five hundred shall be vested in the
1 23 county board of supervisors of the respective county.
1 24 b. If the population of a city drops below five hundred
1 25 after July 1, 2004, as determined by the latest available
1 26 federal census or special census, jurisdiction and control
1 27 over a farm-to-market extension located within the city shall
1 28 be vested in the county board of supervisors of the respective
1 29 county effective July 1 following census certification by the
1 30 secretary of state.
1 31 c. If the population of a city from which jurisdiction and
1 32 control over a road has been transferred pursuant to paragraph
1 33 "a" or "b" exceeds seven hundred fifty, as determined by the
1 34 latest available federal census or special census, such
1 35 jurisdiction and control shall be transferred back to the city
2 1 effective July 1 following census certification by the
2 2 secretary of state.
2 3 Sec. 3. NEW SECTION. 306.8A TRANSFER OF ROADS IDENTIFIED
2 4 IN REPORT.
2 5 1. The department shall maintain on file the transfer of
2 6 jurisdiction report compiled by the ad hoc road use tax fund
2 7 committee. Such report identifies primary roads for transfer
2 8 to local jurisdictions.
2 9 2. The jurisdiction and control of only those primary
2 10 roads identified in the transfer of jurisdiction report that
2 11 are also classified by the department as local service roads
2 12 shall be transferred from the state to the appropriate county
2 13 or city effective July 1, 2003. Such transfers are not
2 14 subject to the terms and conditions provided in section 306.8.
2 15 Sec. 4. Section 307.22, subsection 7, Code 2003, is
2 16 amended to read as follows:
2 17 7. Annually recalculate the construction and maintenance
2 18 needs of roads under the jurisdiction of each county to take
2 19 into account the needs of a road whose jurisdiction has been
2 20 transferred from the department to a county or from a county
2 21 to the department during the previous year. Prior to the
2 22 fiscal year beginning July 1, 2013, the annual recalculation
2 23 shall not include those roads transferred to a county pursuant
2 24 to section 306.8A. The recalculation shall be reported by
2 25 January 1 of the year following the transfer and shall take
2 26 effect the following July 1 for the purposes of allocating
2 27 moneys under sections 312.3 and 312.5.
2 28 Sec. 5. Section 309.57, unnumbered paragraph 3, Code 2003,
2 29 is amended to read as follows:
2 30 Roads may only be classified as area service "C" by
2 31 ordinance or resolution ~~upon petition signed by all landowners~~
2 32 ~~adjoining the road.~~ The ordinance or resolution shall specify
2 33 the level of maintenance effort and the persons who will have
2 34 access rights to the road. The county shall only allow access
2 35 to the road to the owner, lessee, or person in lawful
3 1 possession of any adjoining land, or the agent or employee of
3 2 the owner, lessee, or person in lawful possession, or to any
3 3 peace officer, magistrate, or public employee whose duty it is
3 4 to supervise the use or perform maintenance of the road.
3 5 Access to the road shall be restricted by means of a gate or

3 6 other barrier.

3 7 Sec. 6. Section 312.3, subsection 2, Code 2003, is amended
3 8 to read as follows:

3 9 2. a. Apportion among the cities of the state, in the
3 10 ratio which the population of each city, as shown by the
3 11 latest available federal census, bears to the total population
3 12 of all such cities in the state, the percentage of the road
3 13 use tax funds which is credited to the street construction
3 14 fund of the cities, and shall remit to the city clerk of each
3 15 such city the amount so apportioned to such city. A city may
3 16 have one special federal census taken each decade, and the
3 17 population figure thus obtained shall be used in apportioning
3 18 amounts under this subsection beginning the calendar year
3 19 following the year in which the special census is certified by
3 20 the secretary of state.

3 21 b. The apportionment of moneys from the street
3 22 construction fund of the cities to a city with a farm-to=
3 23 market extension under county jurisdiction pursuant to section
3 24 306.4, shall be reduced in the proportion which the share of
3 25 mileage of the farm-to-market extension bears to the total
3 26 mileage of streets within the city. The amount of moneys by
3 27 which the apportionment to the city is reduced shall be
3 28 transferred to the secondary road fund of the respective
3 29 county, to be used only for the maintenance or construction of
3 30 roads under the county's jurisdiction, and all interest and
3 31 earnings on the moneys transferred shall remain in the
3 32 secondary road fund of the county, to be used for the same
3 33 purposes.

3 34 c. The apportionment of moneys from the transfer of
3 35 jurisdiction fund pursuant to section 313.4, subsection 6,
4 1 paragraph "b", subparagraph (1), to a city with a street under
4 2 county jurisdiction pursuant to section 306.4, subsection 2A,
4 3 shall be transferred to the secondary road fund of the
4 4 respective county.

4 5 Sec. 7. NEW SECTION. 312.3D STREET CONSTRUCTION FUND
4 6 DISTRIBUTION ADVISORY COMMITTEE.

4 7 A street construction fund distribution advisory committee
4 8 is established to consider methodologies for distribution of
4 9 moneys in the street construction fund of the cities. The
4 10 committee shall be comprised of representatives appointed by
4 11 the president of the Iowa section of the American public works
4 12 association, the president of the Iowa league of cities, and
4 13 the department. The committee shall recommend to the general
4 14 assembly by January 1, 2004, for the general assembly's
4 15 consideration and adoption, one or more alternative
4 16 methodologies for distribution of moneys in the street
4 17 construction fund of the cities.

4 18 Sec. 8. Section 313.4, Code 2003, is amended by adding the
4 19 following new subsections:

4 20 NEW SUBSECTION. 6. a. A transfer of jurisdiction fund is
4 21 created in the office of the treasurer of state under the
4 22 control of the department. For each fiscal year in the period
4 23 beginning July 1, 2003, and ending June 30, 2013, there is
4 24 transferred from the primary road fund to the transfer of
4 25 jurisdiction fund one and seventy-five hundredths percent of
4 26 the moneys credited to the primary road fund pursuant to
4 27 section 312.2, subsection 1.

4 28 b. For each fiscal year in the period beginning July 1,
4 29 2003, and ending June 30, 2013, there is appropriated the
4 30 following percentages of the moneys deposited in the transfer
4 31 of jurisdiction fund for the fiscal year for the following
4 32 purposes:

4 33 (1) Seventy-five percent of the moneys shall be
4 34 apportioned among the counties and cities that assume
4 35 jurisdiction of primary roads pursuant to section 306.8A.
5 1 Such apportionment shall be made based upon the specific
5 2 construction needs identified for the specific counties and
5 3 cities in the transfer of jurisdiction report on file with the
5 4 department pursuant to section 306.8A. All funds, including
5 5 any interest or other earnings on the funds, received by a
5 6 county from the transfer of jurisdiction fund shall be
5 7 deposited in the secondary road fund of the county to be used
5 8 only for the maintenance and construction of roads under the
5 9 county's jurisdiction. All funds received by a city from the
5 10 transfer of jurisdiction fund shall be used only for the
5 11 maintenance and construction of roads under the city's
5 12 jurisdiction.

5 13 (2) Twenty-two and one-half percent of the moneys shall be
5 14 deposited in the secondary road fund.

5 15 (3) Two and one-half percent of the moneys shall be
5 16 deposited in the street construction fund of the cities.

5 17 NEW SUBSECTION. 7. For the fiscal year beginning July 1,
5 18 2013, and ending June 30, 2014, and each subsequent fiscal
5 19 year, there is transferred the following percentages of the
5 20 moneys credited to the primary road fund pursuant to section
5 21 312.2, subsection 1, to the following funds:
5 22 a. One and five hundred seventy-five thousandths percent
5 23 to the secondary road fund.
5 24 b. One hundred seventy-five thousandths of one percent to
5 25 the street construction fund of the cities.

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MARY E. KRAMER
President of the Senate

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CHRISTOPHER C. RANTS
Speaker of the House

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6 2 I hereby certify that this bill originated in the Senate and
6 3 is known as Senate File 451, Eightieth General Assembly.

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MICHAEL E. MARSHALL
Secretary of the Senate

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6 9 Approved _____, 2003

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6 13 THOMAS J. VILSACK
6 14 Governor